

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICK P. SMITH,

No. C 07-4437 WHA (PR)

Plaintiff,

ORDER OF DISMISSAL

v.

HUTTON, et al.,

Defendants.

This is a civil rights action filed pro se by a prisoner. The court notified plaintiff that his application to proceed in forma pauperis ("IFP") was deficient because he had failed to include a copy of his prisoner trust account statement as required by 28 U.S.C. § 1915(a)(2). Plaintiff was informed that the case would be dismissed if he did not either pay the fee or remedy the IFP deficiency within thirty days. Although he has filed a new IFP application, he has not included a prisoner trust account statement, and has presented no excuse for his failure to do so.

Leave to proceed in forma pauperis (document number 4 on the docket) is **DENIED**. The earlier motion to proceed IFP (document 2) is **DENIED** as moot. This case is **DISMISSED** without prejudice. *See* Fed. R.Civ.P. 41(b). No fee is due. The clerk shall close this file.

IT IS SO ORDERED.

Dated: September 17, 2007.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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